

Introduced by Senator Ashburn

February 21, 2003

An act to add Article 8.7 (commencing with Section 6047.60) to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, relating to pest control.

LEGISLATIVE COUNSEL'S DIGEST

SB 633, as introduced, Ashburn. Pest control: Pierce's disease.

Existing law generally creates programs and the Pierce's Disease and Glassy-winged Sharpshooter Board in order to eradicate Pierce's disease.

This bill would make legislative findings and declarations regarding the production of grapes in California and the dangers of Pierce's disease to the grape industry. The bill, the Table Grape Pest and Disease Control District Law, would establish a procedure for the organization, operation, and dissolution of districts to respond to, manage, and control the effects of the spread of the glassy-winged sharpshooter and Pierce's disease, and other pests that attack grapevines, and to collect and disseminate to grape producers in the district all relevant information and scientific studies concerning the pest or pests, as well as to chart and determine the extent and location of any infestations. The bill would set forth a procedure for the formation, consolidation, reauthorization, and dissolution of the districts, and would provide for their powers and duties, including the power to make assessments for the purposes of the district. The bill would provide for fees to reimburse the county for costs.

By imposing additional duties on county entities, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 8.7 (commencing with Section 6047.60)
2 is added to Chapter 9 of Part 1 of Division 4 of the Food and
3 Agricultural Code, to read:

4
5 Article 8.7. Table Grape Pierce's Disease Pest Abatement
6 District
7

8 6047.60. The Legislature hereby finds and declares the
9 following:

10 (a) California is the leading producer of table grapes in the
11 United States, accounting for 97 percent of table grapes grown in
12 this country.

13 (b) Table grapes are grown in 15 counties located throughout
14 the state.

15 (c) California grows more than 115,000 acres of table grapes
16 producing over 700,000 tons of table grapes per year, valued at
17 more than eight hundred sixty million dollars (\$860,000,000) with
18 a direct and indirect impact on the state's economy that totals more
19 than four billion dollars (\$4,000,000,000).

20 (d) In addition, the state produces over 5,962,000 tons of total
21 grapes, including table, wine, and raisin grapes, valued at more
22 than five hundred eighty three million seven hundred thousand
23 dollars (\$583,700,000).

24 (e) The plant killing bacterium, *Xyella Fastidiosa*, and the
25 resulting pathogen, Pierce's disease, and its vectors, present a clear
26 and present danger to California's nearly three billion dollar
27 (\$3,000,000,000) grape industry, as well as to many other
28 commodities and plant life.



(f) Pierce's disease and its vector the glassy-winged sharpshooter have spread into the southern San Joaquin Valley, which, if left unabated, places grapes and other commodities throughout California in immediate peril.

(g) In addition to the research funds and program provisions set forth in Article 8 (commencing with Section 6045) of Chapter 9 of Part 1 of Division 4, dealing with wine grapes, the table grape industry is at substantial risk for Pierce's disease and recognizes the need for additional specific control programs.

(h) Additional programs may include field treatments similar to, or the expansion of, the successful United States Department of Agriculture and California Department of Food and Agriculture General Beale area pilot program in Kern County. The expansion of those programs may require industry assessments from the table grape industry through the creation of a pest abatement district.

(i) The state has an interest in protecting its agricultural products from further destruction by the glassy-winged sharpshooter and Pierce's disease.

(j) To avoid a potentially catastrophic loss to one of California's most important industries, the Legislature declares that this article is in the interest of the public health and welfare.

(k) The Legislature further declares that it is in the interest of the public health and welfare that the districts authorized to be created by this article not duplicate existing services already being provided by the University of California, state, counties, or the county agricultural commissioners to eradicate the glassy-winged sharpshooter and Pierce's disease.

6047.61. This article shall be known and may be cited as the Table Grape Pest and Disease Control District Law.

6047.62. (a) It is the purpose of this article to make available a procedure for the organization, operation, and dissolution of districts to respond to, manage, and control the effects of the spread of the glassy-winged sharpshooter and Pierce's disease, and other pests that attack grapevines, and to collect and disseminate to grape producers in the district all relevant information and scientific studies concerning the pest or pests, as well as to chart and determine the extent and location of any infestations.

(b) Division 3 (commencing with Section 56000) of Title 5 of the Government Code does not apply to districts organized pursuant to this article.

1 6047.63. Unless the context otherwise requires, the
2 definitions in this section govern the construction of this article.

3 (a) “Board” or “board of directors” means the board of
4 directors of a district.

5 (b) “District” means a table grape pest abatement district
6 organized pursuant to this article.

7 (c) “Owner” includes joint owner, co-owner, guardian,
8 executor, administrator, or any other person that holds property in
9 a trust capacity under court appointment.

10 (d) “Pierce’s disease” is the pathogen caused by the bacterium
11 *Xyella Fastidiosa*.

12 (e) “Table grapes” means grapes produced that are intended to
13 be sold in their fresh form.

14 6047.64. Proceedings for the formation of a district within
15 any county shall be commenced by a petition that is either of the
16 following:

17 (a) Signed by 50 percent or more of the grape growers who own
18 65 percent or more of the affected land.

19 (b) Signed by 65 percent or more of the grape growers who own
20 50 percent or more of the affected land.

21 The petition shall be addressed to, and filed with, the board of
22 supervisors of the county.

23 6047.65. The petition may be filed in sections, each of which
24 shall comply with all the requirements for a petition, except that
25 a section need not contain the total number of signatures required
26 for the petition.

27 6047.66. Signatures to the petition may be withdrawn at any
28 time before it has been acted upon by filing with the clerk of the
29 board of supervisors a declaration signed by the petitioner that
30 states that it is the intention of the petitioner to withdraw his or her
31 signature from the petition.

32 6047.67. (a) The petition shall state the name of the proposed
33 district and shall set forth its boundaries or describe the lands to be
34 included.

35 (b) It is a sufficient designation of the boundaries of a proposed
36 district to recite that all the table grape acreage in the county that
37 is to be included in the district, or that all the grape acreage in a
38 designated area within the county is to be included in the district.

1 (c) If either designation is used, the outside boundary of the
2 area designated is the boundary of the district, and the district shall
3 include all areas within the outside boundary.

4 6047.68. The petition shall be accompanied by a fee in an
5 amount established by the board of supervisors as is necessary to
6 reimburse the county for all costs incurred by it in connection with
7 the proposed organization of the district and subsequent election.

8 6047.69. (a) Upon the presentation and filing of a petition,
9 the board of supervisors shall refer the petition to the county
10 agricultural commissioner for the preparation of a register of
11 owners of table grape acreage within the proposed district, and for
12 an investigation and report.

13 (b) The agricultural commissioner shall create a register of all
14 grape acreage owners within the proposed district and specifically
15 describe the net acreage of land devoted to the growing of table
16 grapes by each grower. The commissioner shall file with the
17 register of table grape growers a report to the board of supervisors
18 describing the present condition of the glassy-winged
19 sharpshooter and Pierce's disease infestations and any proposed
20 control program that may warrant the board of supervisors
21 proceeding with the organization of the district and
22 recommendation as to the advisability of creating the district.

23 6047.70. (a) The board of supervisors shall fix a time and
24 place for a hearing of the petition.

25 (b) The hearing shall not be less than 20 days, or more than 40
26 days, after the filing of the petition with the board of supervisors.

27 (c) The board of supervisors shall order the county clerk to give
28 notice of the time and place fixed for the hearing upon the petition.

29 (d) State the time and place for the hearing.

30 (e) State that at the hearing protests will be considered by the
31 board of supervisors.

32 (f) State that requests in writing for the exclusion of lands from,
33 or the inclusion of lands in, the proposed district, will be heard and
34 considered by the board of supervisors.

35 6047.71. Notice of the hearing shall be given by publication
36 in a newspaper of general circulation published and circulated in
37 the district.

38 6047.72. The notice shall be published once a week for two
39 successive weeks prior to the date set for the hearing.

1 6047.73. At the hearing, the report of the county agricultural
2 commissioner shall be received. Protests may be made orally or in
3 writing by any person interested in the formation of the proposed
4 district. Any protest that pertains to the regularity or sufficiency of
5 the proceedings shall be in writing and shall clearly set forth the
6 irregularities and defects to which objection is made. All written
7 protests shall be filed with the clerk of the board of supervisors on
8 or before the time fixed for the final hearing. The hearing may be
9 continued from time to time, not to exceed 60 days.

10 6047.74. At the hearing, any owner of table grape acreage in
11 the proposed district may present to the board of supervisors a
12 request, in writing, for the exclusion of that land or any part of that
13 land from the proposed district upon a showing that the land or part
14 of that land will not be benefited by the activities of the proposed
15 district. Factors that the board of supervisors may consider in its
16 determination for exclusion, as set forth in an affidavit from the
17 owner of the land, shall include the following:

18 (a) That the land has already been surveyed and is free from
19 evidence of Pierce's disease.

20 (b) That there is no presence of the glassy-winged
21 sharpshooter, its host plants, grape pests, or grape diseases.

22 (c) That the grape plants have been removed from the land and
23 that no living grapevines remain on the land.

24 (d) That exclusion of the land, or any part of the land, from the
25 district is unlikely to present a risk of glassy-winged sharpshooter
26 infestation because of the land's distance or isolation from infested
27 geographical regions.

28 6047.75. If the board of supervisors determines that the
29 petition does not comply with the requirements of law, the matter
30 may be dismissed without prejudice to present a new petition
31 covering the same matter. A finding by the board of supervisors in
32 favor of the sufficiency of the petition and notice is final and
33 conclusive against all persons except the state in a proceeding
34 brought by the Attorney General within one year of the date of the
35 making of the order establishing and describing the boundaries of
36 the district. If the petition is dismissed, that portion of the fee
37 imposed under Section 6047.68 that would have been used to pay
38 for costs of the election shall be refunded.

39 6047.76. (a) If the board of supervisors determines that the
40 project is feasible and in the interest of the table grape growers of

1 the county, the board of supervisors shall, by order entered in its
2 minutes, declare the district is duly organized subject to a majority
3 vote of table grape growers in the district.

4 (b) The order shall describe the territory included in the district
5 and, if the board of supervisors does not exclude or include land
6 pursuant to Section 6047.78, it is a sufficient description of the
7 territory to describe the boundaries in substantially the same way
8 as they are described in the petition.

9 (c) A copy of the order duly certified by the clerk of the board
10 of supervisors shall be filed with the county clerk and an election
11 shall be held among the table grape growers registered pursuant to
12 Section 6047.68, as being in the district.

13 6047.77. (a) Within 60 days of the filing of the supervisors'
14 declaration that the district is organized, an election among
15 registered table grape growers shall be conducted.

16 (b) The county clerk shall report the results of the election to
17 the board of supervisors.

18 (c) If a majority of the eligible votes supports the decision of
19 the board of supervisors to create a Table Grape Pierce's Disease
20 Pest Abatement District, the county clerk shall file the board of
21 supervisors' order and results of the election for the record in the
22 office of the county recorder.

23 6047.78. (a) In determining the boundaries of the district, the
24 board of supervisors shall exclude from the district any table grape
25 acreage that it finds will not be benefited by the proposed project,
26 pursuant to the facts in Section 6047.74, and it may include in the
27 district any lands that it finds will be benefited if it also finds it will
28 be in the interest of the district to include these lands. The inclusion
29 may be upon application of the owner or, without the owner's
30 application, upon giving the owner notice of the proposed
31 inclusion and an opportunity for a hearing on the inclusion.

32 (b) Notice of inclusion shall be mailed, postage prepaid, by the
33 clerk of the board of supervisors, to the address of the owner of the
34 land as shown by the last equalized county assessment roll, and to
35 any person that has filed with the clerk that person's name and
36 address and description of land in which he or she has either a legal
37 or equitable interest. The notice shall describe the land proposed
38 to be included, and shall state the time and place at which
39 objections to the inclusion will be heard.

1 6047.79. Upon the filing of the order of organization and
2 results of an election of growers, the board of supervisors shall
3 immediately appoint a board of directors of five members to
4 administer the affairs of the district.

5 6047.80. In order to be eligible to be a director of the district,
6 a person shall be an owner of lands included in the district that are
7 devoted, in whole or in part, to the growing of table grapes.

8 6047.81. Upon his or her appointment, each director shall, in
9 the manner provided by law, subscribe the oath of office and file
10 the oath with the county clerk.

11 6047.82. (a) From and after the filing for record of the order
12 of the board of supervisors declaring the district organized, and
13 certification from the county clerk that the grower vote upheld the
14 creation of the district, pursuant to Sections 6047.76 and 6047.77,
15 and the appointment and qualification of its first board of directors,
16 the organization of the district is complete. The district shall
17 operate for a period of five years from the date of its organization,
18 and shall cease to exist after five years unless the district is
19 reauthorized and approved by the board of supervisors.

20 (b) The board of directors shall hold a public hearing six
21 months prior to termination of its initial organization or last
22 reauthorization to determine whether the conditions of the
23 glassy-winged sharpshooter or Pierce's disease warrant the
24 reauthorization of the district for an additional five years.

25 (c) The notice of hearing shall state the name of the district and
26 that consideration is being given to reauthorizing the district for an
27 additional five years, the boundaries of the district, and the time
28 and place for the hearing. Notice of the hearing shall be given as
29 provided in Sections 6047.71 and 6047.72. The board of directors
30 shall submit the record of the hearing and its recommendation to
31 the board of supervisors within 90 days of the hearing. The board
32 of supervisors shall approve or reject the recommendation; if it
33 rejects the recommendation, the board of supervisors shall return
34 the report accompanied by its reasons for the rejection to the board
35 of directors within 30 days of receipt. The board of directors may
36 thereafter address the reasons for rejection by the board of
37 supervisors and submit an amended report and new
38 recommendations for reauthorization for approval or rejection by
39 the board of supervisors, unless the district has ceased to exist
40 pursuant to subdivision (a).



1 (d) If the board of supervisors approves the continuation of the
2 district, the board shall, by an order entered in its minutes, declare
3 the district duly extended subject to a majority vote of table grape
4 growers in the district. The grower vote shall be held pursuant to
5 Section 6047.77.

6 6047.83. (a) Immediately after the organization of the
7 district, the directors shall meet and organize as a board and shall
8 elect a chairperson, vice chairperson, and secretary from among
9 their own number.

10 (b) The chairperson shall call and preside at all meetings of the
11 board, sign all warrants drawn on the county treasurer, and all
12 contracts and other documents, and the minutes of all meetings at
13 which the chairperson is present. In case of the chairperson's
14 absence from a meeting, the vice chairperson shall act as
15 chairperson pro Tempore. The vice chairperson may sign warrants
16 in place of the chairperson if the chairperson is absent from a
17 meeting or unavailable. The secretary shall give notice of and keep
18 the minutes of all meetings and prepare and have custody of all
19 records and papers, and have custody of the seal of the district. The
20 secretary shall attest all warrants drawn on the county treasury, all
21 contracts and other documents, and shall sign the minutes of all
22 meetings at which he or she is present. The secretary shall prepare
23 the annual reports and any other reports required by the board and
24 shall prepare all notices and all calls for bids.

25 6047.84. The members of the board shall serve for terms of
26 two years, or for a longer term as determined by the board of
27 supervisors, and until the appointment and qualification of their
28 successors.

29 6047.85. Upon the expiration of the term of any member of
30 the board, the board of supervisors shall appoint the successor.
31 Vacancies shall be filled by the board of supervisors for the
32 unexpired term.

33 6047.86. The members of the board shall not receive any
34 compensation for their services, but may be reimbursed for their
35 actual and necessary expenses, when claims for those expenses
36 have been approved by the board.

37 6047.87. The district may do all of the following:

38 (a) Sue and be sued in all actions and proceedings in all courts
39 and tribunals of competent jurisdiction.

40 (b) Adopt a seal and alter it at pleasure.

1 (c) Take by grant, purchase, gift, devise, lease, or otherwise,
2 and hold, use and enjoy, and lease, or otherwise dispose of, real and
3 personal property of every kind and description within or without
4 the district necessary to the full and convenient exercise of its
5 powers.

6 (d) Cause assessments to be levied on table grapes being grown
7 in the district to pay obligations of the district incurred to
8 accomplish the purposes of the district as provided in this article,
9 which may involve funding all or a portion of a Pierce's disease or
10 glassy-winged sharpshooter control program.

11 (e) Make contracts, and employ, except as otherwise provided
12 in this article, all persons, firms, and corporations necessary to
13 carry out the purposes and the powers of the district, and at any
14 salary, wage, or other compensation as the board of directors shall
15 determine.

16 (f) Respond to the effects of, the spread of glassy-winged
17 sharpshooter and Pierce's disease and collect and disseminate to
18 grape growers in the district relevant information and scientific
19 studies concerning the pest or disease, as well as to chart and
20 determine the extent and location of any infestations.

21 (g) Take all actions necessary to control, eradicate, remove, or
22 prevent the spread of the glassy-winged sharpshooter or Pierce's
23 disease, or other pests injurious to grapes.

24 (h) With reasonable advance notice in writing to the landowner,
25 as determined by the district, enter into or upon any land included
26 within the boundaries of the district for the purpose of inspecting
27 the grape plants and any other host plants and fruit growing on
28 these lands.

29 (i) Eradicate, eliminate, remove, or destroy any grape plants
30 having evidence of Pierce's disease.

31 (j) Coordinate with the County Agricultural Commissioner as
32 to the commissioner's taking appropriate actions to have any
33 grapevines growing within the district infested with Pierce's
34 disease adjudged a public nuisance, and decreed that the nuisance
35 be abated.

36 (k) Coordinate district activities with other Table Grape
37 Pierce's Disease Pest Abatement Districts established pursuant to
38 this article and with the Pierce's Disease and Glassy-winged
39 Sharpshooter Board established pursuant to Section 6047.3.



1 (l) Perform any and all acts, either within or outside the district,
2 necessary or proper to fully and completely carry out the purposes
3 for which the district is organized.

4 6047.88. Every district formed pursuant to this article has all
5 of the powers prescribed by Section 6047.86 and other provisions
6 of this article, regardless of any language in the petition for
7 formation for any district or in any of the proceedings leading to
8 the formation that would otherwise limit the power of the district.

9 6047.89. The county agricultural commissioner of the county
10 in which the district is located shall, upon request of the board,
11 assist the district to the extent possible in all activities undertaken
12 by the district for the control of glassy-winged sharpshooter and
13 Pierce's disease.

14 6047.90. The board shall, immediately after its appointment
15 and after public hearing, formulate an effective plan and adopt a
16 budget of expenditures for the forthcoming fiscal year. At a public
17 hearing on the plan and the budget, any owner of table grape
18 acreage included in the district may make written or oral protest
19 against the budget or any item in it. The plan and the budget, as
20 thereafter approved by the board, shall be the plan and the budget
21 of the district for the forthcoming fiscal year.

22 6047.91. There may be added to the budget for the first fiscal
23 year of the operation of the district an amount not to exceed 20
24 percent of the total amount of the budget to cover the preliminary
25 expenses of the district, including, but not limited to, the costs of
26 formation, before the beginning of the first fiscal year.

27 6047.92. For each fiscal year subsequent to the first year of
28 operation of the district, the board shall adopt the final budget
29 therefor in the same manner and at the same time that the budget
30 for the first fiscal year was adopted.

31 6047.93. The board of supervisors may charge the district for
32 any expenses incurred by the county in connection with the
33 proceedings for the formation of the district, and the district shall
34 reimburse the county from assessments levied for those expenses.

35 6047.94. The county assessor, in making the annual
36 assessment of property included in the district each and every year
37 after the organization of the district, shall identify any parcel of
38 real property with one acre or more of table grape plants.

39 6047.95. Whenever acreage within the district is planted with
40 table grape plants in a fashion so as to qualify as table grape

1 acreage, the acreage is subject to assessment as provided in this
2 article.

3 6047.96. (a) After the district has been formed, an owner of
4 table grape acreage in the district may present to the board a
5 request in writing for the exclusion of that land or any part of the
6 land from the district upon a showing that the land or part of the
7 land will not be benefited by the activities of the district. Factors
8 that the board may consider in its determination for exclusion , as
9 set forth in an affidavit from the owner of the land, shall include
10 the following:

11 (1) That the land has already been surveyed and is free from
12 evidence of Pierce's disease.

13 (2) That there is no presence of the glassy-winged
14 sharpshooter, its host plants, grape pests, or grape diseases.

15 (3) That the grape plants have been removed from the land and
16 that no living grapevines remain on the land.

17 (4) That exclusion of the land, or any part of the land, from the
18 district is unlikely to present a risk of glassy-winged sharpshooter
19 infestation because of the land's distance or isolation from infested
20 geographical regions.

21 (b) After receipt of the request, the board shall cause an
22 investigation of the parcel of land to be made and, if the board
23 determines that the land or part of the land will not be benefited by
24 the activities of the district, the board shall exclude the table grape
25 acreage from the district and immediately certify this fact to the
26 county assessor and the county auditor or tax collector.

27 (c) Any owner of table grape acreage outside of, or otherwise
28 not included in, the district may present to the board a request in
29 writing for inclusion of the land in the district.

30 6047.97. (a) The board shall, on or before the first Monday
31 in April of each year, file with the board of supervisors a budget
32 that sets forth all estimated expenditures of the district for the fiscal
33 year commencing on the first day of July. A copy of the budget
34 shall also, at the same time, be filed with the auditor of the county.

35 (b) The board of supervisors may, by ordinance or by
36 resolution, adopted after notice and a hearing, determine and levy
37 an assessment for table grape pest and disease control activities for
38 any of the following purposes:



1 (1) Responding to, managing, and controlling the effects of the
2 spread of glassy-winged sharpshooter and other pests that attack
3 grape plants.

4 (2) Collecting and disseminating to grape producers in the
5 district relevant information and scientific studies concerning the
6 pest or pests.

7 (3) Charting and determining the extent and location of any
8 Pierce's disease infestations.

9 (4) Reimbursing the county or counties in which the district is
10 located for expenses incurred in connection with providing
11 services under this article that are not otherwise reimbursed.

12 (c) The annual assessment shall not exceed fifteen dollars (\$15)
13 per planted acre. Notwithstanding any other provision of law, wine
14 grape growers who pay an assessment pursuant to Article 8.5
15 (commencing with Section 6047.1) of Chapter 9 of Part 1 of
16 Division 4 shall not be required to pay the fifteen dollar (\$15) per
17 planted acre assessment levied pursuant to this article.

18 (d) The board of supervisors shall cause to be prepared and
19 filed with the clerk of the board of supervisors a written report that
20 contains all of the following information:

21 (1) A description of each parcel of property proposed to be
22 subject to the assessment.

23 (2) The amount of the assessment of each parcel for the initial
24 fiscal year.

25 (3) The maximum amount of the assessment that may be levied
26 for each parcel during any fiscal year.

27 (4) The duration of the assessment.

28 (5) The basis of the assessment.

29 (6) The schedule of the assessment.

30 (7) A description specifying the requirements for written and
31 oral protests, and the protest threshold necessary for requiring
32 abandonment of the proposed assessment pursuant to subdivision
33 (f).

34 (e) (1) The board may establish zones or areas of benefit
35 within the district, and may restrict the imposition of assessments
36 to areas lying within one or more of the zones or areas of benefit
37 established within the district.

38 (2) The assessment shall be levied on each parcel within the
39 boundaries of the district, zone, or area of benefit.

1 (f) (1) The legislative body shall comply with the notice
2 protest, and hearing procedures in Section 53753 of the
3 Government Code.

4 (2) In addition, the mailed notice shall include the name of the
5 district, the return address of the sender, the amount of the
6 assessment for the initial fiscal year, the maximum amount of the
7 assessment that may be levied during any fiscal year and the name
8 and telephone number of the person designated by the board of
9 supervisors to answer inquiries regarding the protest proceedings.

10 6047.98. The assessment authorized to be assessed and levied
11 is hereby declared to be in the nature of a special assessment, and
12 the Legislature hereby finds that the owners of all grape plants will
13 be benefited by the district to the same extent and in the same
14 manner regardless of the age of the plants. The assessments
15 authorized by this article to be assessed and levied shall be assessed
16 and levied regardless of the age of the plants growing on the land.

17 6047.99. (a) The assessment levied shall be computed and
18 entered upon the assessment roll by the county auditor, and if the
19 supervisors fail to levy the assessment as required, the auditor shall
20 do so.

21 (b) The assessment shall be collected at the same time, and in
22 the same manner as, and together with and not separate from,
23 general county taxes, and when collected shall be paid into the
24 county treasury for the use of the district.

25 6047.100. The general provisions of the laws of this state,
26 prescribing the requirements for and manner of levying and
27 collecting county taxes and the duties of the several county officers
28 with respect to levying and collecting county taxes, are, so far as
29 they are applicable and not in conflict with the specific provisions
30 of this article, hereby adopted and made a part of this article. This
31 article, however, shall operate so as to be compliant with Article
32 XIII (C) and XIII (D) of the California Constitution, as
33 incorporated by Proposition 218 of 1996. The several county
34 officers referred to shall be liable upon their several official bonds
35 for the faithful discharge of the duties imposed upon them by this
36 article.

37 6047.101. The revenue from the assessments imposed pursuant
38 to this article by the district are trust funds and shall be encumbered
39 only for the purposes for which the district is formed and for the
40 benefit of the property assessed. The district shall expend the

1 minimum amount necessary for overhead and other administrative
2 costs. No district funds shall be donated, loaned, or transferred to
3 any other local agency or to the state for any purpose.

4 6047.102. (a) The county treasury shall be the repository of
5 all the moneys of the district. The county treasurer shall receive
6 and receipt for all those moneys, and place them to the credit of the
7 district.

8 (b) The county treasurer shall be responsible upon his or her
9 official bond for the safekeeping and disbursement, in the manner
10 provided in this article, of all moneys held in the district.

11 6047.103. If a consolidated district includes parts of two or
12 more counties, the repository of all money of the district shall be
13 the county treasury of the county in which is located the largest
14 area of the district. Money collected for the use of the district in any
15 other county in which a part of the district is located shall be
16 transferred by the county treasurer upon warrant of the county
17 auditor of the county in which the money was collected to the
18 county treasurer of the county serving as repository for the district,
19 in the same manner as prescribed for the disbursement of money
20 held for a local district. Money derived from any county in which
21 the district is located may be expended in any part of the district
22 for the purposes authorized by this article, notwithstanding any
23 other provision of law limiting the expenditure of any money to a
24 specific area or county.

25 6047.104. (a) The county treasurer shall pay out money of
26 the district only upon warrants of the county auditor drawn upon
27 the order of the board of directors of the district signed by the
28 chairperson or vice chairperson and attested to by the secretary.
29 The county treasurer, with the approval of the board of
30 supervisors, shall pay out the money of the district upon one master
31 warrant of the county auditor drawn upon the order of the board
32 of directors of the district and signed by the chairperson or vice
33 chairperson and attested to by the secretary, to meet the district's
34 expenses, including salaries, at intervals approved by the board of
35 supervisors.

36 (b) The county treasurer shall report, in writing, on the first day
37 of July, October, January, and March of each year, to the board of
38 directors, the amount of money the treasurer then holds for the
39 district, the amount of receipts since the last report, and the

1 amounts paid out. Each report shall be verified and filed with the
2 secretary of the district to whom it is addressed.

3 6047.105. Lands devoted exclusively to the growing of table
4 grapes within a tract of land outside the district, but in the county
5 in which the district is located, may be annexed to the district in
6 the same manner provided in this article for the formation of the
7 district.

8 6047.106. Any two or more districts organized or existing
9 under this article may be consolidated, whether or not the
10 boundaries are coterminous, and whether or not the districts are
11 located in the same county.

12 6047.107. The board of directors may adopt a resolution that
13 recites the fact of receipt and the willingness of the district to
14 consolidate, and shall then send copies of the resolution to the
15 board of directors of each of the other districts. The board shall
16 send a certified copy of the resolution to the board of supervisors
17 of the county in which is located the largest area of table grape
18 acreage of the proposed consolidated district, and a copy of the
19 resolution to the board of supervisors of each of the other counties
20 in which is located any part of the proposed consolidated district.

21 6047.108. The board of supervisors of the county in which is
22 located the largest area of table grape acreage of the proposed
23 consolidated district shall fix a time and place for hearing the
24 proposal. Notice shall be given and the hearing conducted in the
25 same manner and with the same effect as prescribed for the
26 formation of a district pursuant to Article 2 (commencing with
27 Section 6210) of Chapter 12 of Part 1 of Division 4.

28 6047.109. If the board of supervisors determines that
29 consolidation is feasible and in the best interests of the table grape
30 growers of the respective districts, it shall, by resolution duly
31 adopted, declare the districts consolidated into one district, giving
32 the consolidated district a name that includes the term
33 “consolidated.” Certified copies of the resolution shall be filed
34 with the Secretary of State and, for record, with the county
35 recorder of each county in which is located any part of the
36 consolidated district. Upon the filing, the districts are consolidated
37 into a single consolidated district with all the rights, privileges, and
38 powers of a district. The consolidated district shall succeed to all
39 the funds and other property, and is subject to all the indebtedness,
40 bonded and otherwise, of the districts consolidated. Each district

1 that is included in the consolidated district shall continue in
2 existence for the purpose of representation on the board of the
3 consolidated district, and for the purpose of levying, assessing, and
4 collecting assessments for district purposes. The board of the
5 consolidated district is, however, the board of each district that is
6 included in the consolidated district.

7 6047.110. Upon the adoption of a resolution consolidating
8 two or more districts, the board of supervisors of the county that
9 is located the largest area of table grape acreage shall immediately
10 appoint a board of directors of at least five members, including at
11 least one member from each of the districts that are included in the
12 consolidated district, and at least two members from each county,
13 if districts located in more than one county are included in the
14 consolidated district. If any of the districts that are included in the
15 consolidated district includes more than 15,000 acres of table
16 grape acreage, the board of directors shall be increased by one
17 additional director for each 10,000 acres, or fraction of 10,000
18 acres, in any one district that is included in the consolidated
19 district. If the consolidated districts are located in more than two
20 counties, the board of directors of the consolidated district shall
21 have at least seven members.

22 6047.111. The board of a consolidated district has all the
23 duties, powers, purposes, responsibilities, and jurisdiction of the
24 board of any other district organized pursuant to this article. The
25 members of the consolidated board shall be appointed in the same
26 manner and serve for the same term as the directors of any other
27 district organized pursuant to this article.

28 6047.112. Any district that has been included in a
29 consolidated district may withdraw from the consolidated district
30 and be reconstituted as a separate district by filing with the board
31 of directors of the consolidated district a petition for withdrawal
32 that is signed by the owners of not less than 51 percent, by area,
33 of table grape land in the district. The board of directors of the
34 consolidated district shall send the original petition to the board of
35 supervisors of the county in which the withdrawing district is
36 located, and a copy of the petition to the board of supervisors of
37 each of the other counties in which is located any part of the
38 consolidated district. Upon receipt of a petition for withdrawal, the
39 board of supervisors of the county in which the withdrawing
40 district is located shall fix a time and place for hearing the petition.

1 Notice shall be given and the hearing conducted in the same
2 manner and with the same effect as prescribed for the formation
3 of a district under Article 2 (commencing with Section 6210) of
4 Chapter 12 of Part 1 of Division 4. Upon withdrawal of a district,
5 all moneys collected from the district for the use of the
6 consolidated district, and all property purchased with these
7 moneys, shall remain the property of the consolidated district.

8 6047.113. Upon the filing of a petition with the board of
9 supervisors that is signed by either (1) 50 percent or more of the
10 grape growers who own 65 percent or more of the affected land or
11 by (2) 65 percent or more of the grape growers who own 50 percent
12 or more of the affected land requesting the dissolution of the
13 district, the board of supervisors shall set a time and place for
14 hearing on the petition, which shall not be less than 20 days, or
15 more than 40 days, after the filing of the petition.

16 6047.114. The board of supervisors shall give notice of the
17 time and place fixed for the hearing upon the petition for
18 dissolution.

19 6047.115. The notice of hearing shall state all of the
20 following:

21 (a) That a petition has been filed requesting the dissolution of
22 the district.

23 (b) That the petition is available for inspection at the offices of
24 the board of supervisors.

25 (c) The time and place for the hearing.

26 (d) That at the hearing protests against the dissolution of the
27 district shall be considered by the board of supervisors.

28 6047.116. Notice of the hearing shall be given by publication
29 in a newspaper of general circulation published and circulated in
30 the district.

31 6047.117. The notice shall be published once a week for two
32 successive weeks prior to the date set for the hearing.

33 6047.118. If, at the hearing, a majority of the board does not
34 find a compelling reason to override the growers' petition to
35 dissolve the district, the board of supervisors shall by resolution
36 dissolve the district.

37 6047.119. The board of supervisors shall cause a certified
38 copy of the resolution to be recorded in the office of the county
39 recorder and shall file a certified copy of it with the Secretary of
40 State. Thereupon, the district is dissolved for all purposes.

6047.120. Upon dissolution, the right, title, and interest to property owned or controlled by the district that is situated within the corporate limits of any city shall vest absolutely in the city. If the property is situated outside the corporate limits of a city, it shall vest in the county in which the property is situated.

6047.121. The board of supervisors is ex officio the governing body of the dissolved district. It may levy assessments and perform other acts solely for the purpose and as may be necessary to wind up the affairs of the district and to raise money for the payment of any outstanding indebtedness.

6047.122. All claims and accounts against the district that have not been settled by the board within 90 days after the resolution is recorded pursuant to Section 6047.119 shall be presented to the board of supervisors of the county in which the district was located, or in the case of a consolidated district to the board of supervisors of the county in which is located the largest area of table grape acreage, and shall be passed and approved by the board of supervisors in the same manner as county claims and shall be paid out of the funds of the dissolved district.

6047.123. If there are insufficient funds to discharge all claims and accounts brought pursuant to Section 6047.121, the board of supervisors shall, at the time of levying the next general county taxes, levy a special assessment upon the net acreage devoted to the growing of table grapes that benefited from the dissolved district in an amount sufficient to discharge all outstanding claims and accounts against the district. In the case of a consolidated district, the board of supervisors of each county in which a portion of the district is located shall levy a special assessment based upon the ratio that the proportion of outstanding claims and accounts bears to the net acreage of the district in each county.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.